

REMARKS

The withdrawal of the rejection of all claims 1-29 under §103 in view of applicant's prior amendment of the independent claims 1, 16 and 29 and supporting arguments is acknowledged with appreciation.

§112 Rejection & Telephone Interview

Presently, claims 1-29 are rejected only under §112, first paragraph, as containing new matter. Based on a telephone interview with the Examiner on December 5, 2003, applicant's undersigned attorney William Francis understands this new matter rejection is limited to only the phrase "essentially without any blowing agent" and that deletion of this phrase would place the claims in a condition for allowance. This is consistent with the statement in the Office Action that the "specification does provide for a non-foamed acrylonitrile-butadiene-styrene (ABS) terpolymer or a non-foamed composite as recited in amended claims 1, 16 and 29."

In the prior amendment, the now deleted phrase "essentially without any blowing agent" was added simply to emphasize that both the substrate material including the ABS terpolymer and the capstock material are "non-foamed". Applicant believes that in view of the written description, persons of ordinary skill would appreciate that non-foamed resin material is essentially without any blowing agent since this agent is utilized to produce foamed material and thus this phrase did not introduce any new matter. In any event, the current amendment deletes this phrase from all of the independent claims 1, 16 and 29 and hence as amended all of the claims are believed to now comply with §112 and to be in proper form for allowance and such action is respectfully requested.

Conclusion


In view of the foregoing amendment, the §112 rejection is believed to have been obviated and all of the claims are now in a proper condition for allowance and reconsideration and allowance thereof as amended is requested.

If, after considering this response, the Examiner believes any of the claims are not in a condition for allowance, a telephone interview with applicant's attorney William Francis is requested so that immediate consideration can be given to any further amendments suggested by the Examiner or otherwise needed to place all the claims in condition for allowance. William Francis can normally be reached by telephone at (248) 689-3500 Monday through Friday between 9:00 A.M. and 5:00 P.M.

Respectfully submitted,

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WHF:sal

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